

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

ARIEL LEGASSA

Case No. 22-CR-10038-IT

**OPPOSITION TO DEFENDANT’S SECOND
MOTION TO CONTINUE TRIAL**

The government respectfully requests that the Court deny the Defendant’s second motion to continue the trial in this case. The Court originally scheduled trial for April 3, 2023. On February 16, 2023, the Defendant moved to continue the trial until October 16, 2023. [ECF Nos. 68 & 75]. In support of his motion, defense counsel argued that he was awaiting the production of documents from New England Sports Network (“NESN”) and that he had to prepare for three state murder cases, two of which were set for trial in May and June 2023.¹ The government opposed the motion. [ECF No. 74]. The Court continued the trial six months and trial is currently set for October 16, 2023. [ECF No. 76].

The Defendant now moves again to continue the trial date, despite knowing since at least May and June of 2023 that his previously scheduled state matters were continued. [ECF No. 85].² As grounds for his motion, defense counsel argues that two of the cases referenced in his first

¹ The government believes that the Defendant received the requested Rule 17(c) materials from NESN in or around March of 2023.

² It is unclear when these state cases were first continued and whether, had the issue been raised, it would have been possible to reschedule this case for an earlier trial date this summer.

motion for a continuance are now rescheduled for trial dates in the fall. While counsel believes the state cases will go forward as scheduled, it is nonetheless unclear whether these trial dates will hold. Based upon counsel's representations, it appears there is ongoing litigation in at least one of these cases that could result in another continuance. In short, there is no assurance that this same pattern of events will not continue to play out as it has throughout 2023 and push this trial well into 2024 or beyond.

The government is ready to proceed to trial on October 16, 2023, and anticipates that its case in chief will not last longer than one week. Given the time that has elapsed since the completion of discovery and the relatively short anticipated duration of this trial, it is reasonable to request that the Court maintain the rescheduled trial date of October 16, 2023—a date that is still two months away. Accordingly, the government respectfully requests that the Court deny the Defendant's second motion to continue this trial.³

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

By: /s/ Benjamin A. Saltzman
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³ In the event the Court grants the Defendant a second continuance over the government's objection, the government is available to begin trial on or before November 6, 2023, but is not available in the latter half of the month.

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Benjamin Saltzman

Benjamin A. Saltzman

Assistant United States Attorney

Dated: August 15, 2023